



STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2010-382
June 8, 2010

**RELATING TO THE CREATION OF A P-20
DATA COLLABORATIVE REPOSITORY**

WHEREAS, pursuant to Section 183 of the Kentucky Constitution, it is the duty and obligation of the Commonwealth to provide an education for all its children; and

WHEREAS, it is the policy of the Commonwealth to assure that public education at all levels is of such quality as to provide every child the opportunity to reach his or her potential and become a productive member of society; and

WHEREAS, the Commonwealth has engaged in significant reforms of its educational system beginning with the passage of the Kentucky Education Reform Act of 1990 (KERA) in 1990, the Postsecondary Education Improvement Act of 1997, the Adult Education Act of 2000, and the Kentucky Innovation Act of 2000, and, more recently through the adoption of 2009 Senate Bill 1 implementing comprehensive changes in educational assessment and educational standards; and

WHEREAS, the Commonwealth recognizes that the success of these reform efforts individually and collectively depends, in large measure, upon the ability to evaluate success through collaborative research and analysis; and

WHEREAS, the Commonwealth recognizes that sound data collection, reporting and analysis are critical to building an education system capable of ensuring all Kentucky students are adequately prepared for college and the global workforce; that Kentucky school districts and institutions of postsecondary education can improve instructional and educational decision-making using data that are collected and made available by their partner agencies of this State; that reliable and sufficient education data are necessary to ensure that the educational agencies of the Commonwealth base education policy decisions on valid, objective measures of student outcomes; and that education policymaking benefits from partnerships between and among public education agencies and entities with expertise in education research, including school districts, postsecondary institutions, and research organizations; and that the Commonwealth should establish systems and processes to permit qualified researchers to assist with evaluation and research functions in a manner consistent with privacy protection laws including but not



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limited to the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA); and

WHEREAS, the Kentucky Education and Workforce Development Cabinet (EWD) is vested with the authority and responsibility pursuant to KRS 151B.020 to provide educational and workforce development services to the citizens of the Commonwealth; and

WHEREAS, the Kentucky Department of Education (KDE) is vested with the authority and the responsibility pursuant to KRS Chapters 156, 157, 158, 159, 160, 161, 162, 163 and 167 as described generally in 156.010 to conduct “research and planning, which shall include, but not be limited to, a statewide research and development effort to identify or develop the best educational practices to be used in the public schools of the Commonwealth”; to “monitor the management of school districts, including administration and finance, implementation of state laws and regulations, and student performance;” to “implement state laws and the policies promulgated thereunder by the Kentucky Board of Education and the Education Professional Standards Board”; to set the standards for and monitor a comprehensive educational program for the exceptional children and youth of the Commonwealth; to regulate school safety, student discipline, and related matters; to audit and evaluate the education programs of K-12 schools in the Commonwealth and to require personally identifiable student information from those schools for that purpose; and

WHEREAS, the Kentucky Council on Postsecondary Education (CPE) is vested with the authority and the responsibility to audit and evaluate the quality, performance and effectiveness of the Commonwealth’s postsecondary educational system pursuant to KRS 164.020 and KRS 164.095; to engage in analysis and research to determine the overall needs of postsecondary and adult education in the Commonwealth pursuant to KRS 164.020; to develop and implement a system of accountability for postsecondary institutions that measures educational quality and outcomes, student progress in the postsecondary system, research and service activities, use of resources, other performance or outcomes that support achievement of the strategic agenda including involvement in quality enhancement of elementary and secondary education, and other indicators as deemed appropriate to this agency pursuant to KRS 164.020 and KRS 164.095; to “collect information, maintain a comprehensive database, and publish reports



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on the condition of the postsecondary education system that include but are not limited to student enrollments, utilization of facilities, and the finances of the institutions” pursuant to KRS 164.095; and

WHEREAS, the Kentucky Education Professional Standards Board (EPSB) is vested with the authority and responsibility pursuant to KRS 161.028 to “set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel”; to “provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;” to “recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system;” to “sponsor studies, conduct research, conduct conferences, and publish information as appropriate;” and

WHEREAS, other agencies in the Commonwealth also collect and maintain data relevant to individual student progress from early learning programs through postsecondary education and into employment; and

WHEREAS, federal and state laws require that personally identifiable data be protected and that safeguards be in place to ensure that confidentiality of personally identifiable information is maintained and that personally identifiable information is not released except as allowed by law; and

WHEREAS, per 73 Fed. Reg. 74822 (2008), federal and state laws including but not limited to FERPA and IDEA allow for a state to create a longitudinal data system by Executive Order; and

WHEREAS, the Commonwealth should further improve student achievement and promote workforce skills by utilizing a focused, integrated and comprehensive statewide approach to research and data sharing; and

WHEREAS, the Commonwealth therefore is committed to establishing and maintaining a longitudinal data repository, which will collect and match personally identifiable records of Kentucky students from early learning programs through



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postsecondary education and into employment, to assist the respective public agencies to audit and evaluate Kentucky early learning programs, elementary and secondary education programs and postsecondary education programs:

NOW THEREFORE, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Kentucky Constitution Section 69 and KRS 12.080, do hereby Order and Direct the following:

1. A statewide longitudinal data system, hereafter known as the P-20 Data Collaborative Repository, is hereby created to match personally identifiable student and educator data from early learning through postsecondary education and into employment. The purposes of the P-20 Data Collaborative Repository shall be to collect, integrate and report longitudinal student level and educator data required to implement federally or state-required education performance accountability measures; to conduct research and evaluation regarding federal, state and local education and training programs at all levels; and to audit and ensure compliance of those programs with applicable federal and state requirements as allowed by federal and state law.
2. Contributing public agencies, initially including EWD, KDE, CPE and EPSB, shall jointly establish and maintain the P-20 Data Collaborative Repository, subject to the availability of funding, by entering into agreements.
3. Subject to the availability of funding and to the extent not prohibited by law, the P-20 Data Collaborative Repository may be expanded to include data from additional public agencies involved in early learning programs through postsecondary education and into employment.
4. Contributing public agencies, including but not limited to EWD, KDE, CPE and EPSB, are hereby authorized, unless otherwise prohibited by law, to provide data to the P-20 Data Collaborative Repository for the purpose of enhancing each agency's ability to analyze and assess student progress from early learning programs through postsecondary education and into employment in order to improve the educational services and outcomes and employment outcomes of Kentucky students.



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5. Public agencies contributing data to the P-20 Data Collaborative Repository are responsible for protecting the privacy and confidentiality of personally identifiable student and educator data, and any other personally identifiable data that may become part of the P-20 Data Collaborative Repository. Personally identifiable data included in the P-20 Data Collaborative Repository shall be available to those agencies contributing personally identifiable data to the Repository.
6. EWD, KDE, CPE and EPSB jointly shall by policy establish procedures and mechanisms to match and transfer personally identifiable data; to protect the confidentiality of the data contained in the P-20 Data Collaborative Repository; to prevent its release except as allowed by FERPA and IDEA and other relevant federal and state laws; to evaluate the relationship between the educational programs and outcomes and employment outcomes; and to effect destruction of personally identifiable data after the purpose for collection and maintenance of the data is achieved.
7. Disclosure of personally identifiable data from the P-20 Data Collaborative Repository, except to the contributing public agencies, shall be restricted to only those disclosures allowed by FERPA and IDEA and other relevant federal and state laws. Contributing public agencies may agree to grant access to the P-20 Data Collaborative Repository shared data resources for research for or on behalf of one or more of the contributing agencies, as allowed by FERPA and IDEA and other relevant federal and state laws. Contributing public agencies may consider and approve research projects to the extent those projects support the goal of evaluating and improving the education programs and outcomes and employment outcomes in Kentucky.
8. The Secretary of the Education and Workforce Development Cabinet, the Commissioner of the Department of Education, the President of the Council on Postsecondary Education and the Executive Director of the Education Professional Standards Board shall immediately take all steps necessary to implement the provisions of this Executive Order.



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9. This Executive Order shall continue in full force and effect until amended, superseded or revoked by subsequent Executive Order.

This Order is effective May 28, 2010.

A handwritten signature in black ink, appearing to read "Steve Beshear", written over a horizontal line.

STEVEN L. BESHEAR, GOVERNOR
Commonwealth of Kentucky

A handwritten signature in black ink, appearing to read "Trey Grayson", written over a horizontal line.

TREY GRAYSON
Secretary of State

RECEIVED AND FILED

DATE 6/8/10

TREY GRAYSON

SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY

BY R. Adles
